



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,170	06/20/2003	Andy Peichl	7781.0083-00	7610
22852	7590	04/10/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
EXAMINER				
WONG, ERIC TAI WAI				
ART UNIT		PAPER NUMBER		
3693				
MAIL DATE		DELIVERY MODE		
04/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/601,170

Applicant(s)

PEICHL ET AL.

Examiner

ERIC WONG

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-33 are pending. The following is a second Office action on the merits of claims 1-33. This action is made final.

Response to Arguments

2. The 35 USC § 112 rejections for lack of antecedent basis against claims 13 and 14 are withdrawn since the claims have been amended to provide sufficient antecedent basis for the claim limitations. As such, the Examiner interpretation of the claim dependency in the previous Office action is no longer applicable. Claim 12 depends on claim 4 and claim 13 depends on claim 11. The claims will no longer be objected to as being substantial duplicates should they be found allowable.
3. Applicant's arguments filed 12/21/2007 have been fully considered but they are not persuasive.
4. Applicant has traversed the rejection of claims 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over Williams in view of Venner as applied to claim 4, and further in view of Thaler-Carter. Applicant argues that Thaler-Carter does not teach calculating one or more position cost simulations for an employee position. Applicant further argues that Thaler-Carter does not teach "a sum of said position costs simulations being a potential position budget for an employer entity or sub-entity for a predefined period of time". In response to Applicant's arguments, Examiner asserts that Thaler-Carter does teach calculating one or more position costs simulations for an employee position. The cost of hiring is associated with the cost of a position. Therefore, the simulation of a hiring cost reads on the simulation of a position cost. Thaler-Carter further teaches "a sum of said position costs simulations being a potential position budget for an employer entity or sub-entity for a predefined period of time". Examiner asserts that the sum of the potential hiring costs in Thaler-Carter is a potential budget for an employer

Art Unit: 3693

entity or sub-entity for a predefined period of time (see page one, TWO KEY METHODS FOR FIGURING COSTS).

5. Applicant's arguments in regards to the rejections of claims 1-10, 13, 14, 16, and 23 under 35 USC § 102 and 35 USC § 103 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Examiner's note: Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

6. Claims 1, 2, 4, 6-10, 13-33 rejected under 35 U.S.C. 103(a) as being unpatentable over Haines et al. (US Patent Application Publication No. 2003/0033211 A1) in view of Ross et al. (US Patent No. 6,026,390 A).

7. Regarding claim 1, Haines et al. teaches a central processing unit (figure 5 element 504); input/output means (figure 5 element 508); at least one database containing data relating to objects (figure 5 element 530); and a commitment engine, said commitment engine retrieving data from said at least one database and evaluating a budget for a given object for a predefined period of time based on retrieved data, said commitment engine further storing a result of said evaluation, monitoring said budget during said predefined period of time, and providing an

Art Unit: 3693

automatic notification to a user based on said monitoring (see [0139-0140]). Examiner notes that the data analysis application in the reference is equivalent to the commitment engine in the claim. Haines et al. does not teach applying the invention to human resource budgeting. Ross et al. teaches budgeting for human resources (column 3 lines 55-65). It would have been obvious to one of ordinary skill in the art at the invention to have modified the budget monitoring of Haines et al. to include budgeting for human resources. One skilled in the art would have been motivated to make the modification since it is only applying a known technique to a known method ready for improvement to yield predictable results, the predictable results being knowing the difference in what has been spent versus what has been budgeted. Knowing this difference is useful since it reduces the chances of overspending.

8. Regarding claim 2, Haines et al. teaches wherein said commitment engine comprises an administrator module (see figure 5, element 520), an object collector module (an object collector module is inherent in retrieving the objects from the database, see also [00087] and [0063], which teaches the databases may be object-oriented), and a data collector module (a data collector module is inherent in retrieving data from the database), said administrator module being connected to said object collector module and said data collector module (see figure 5, element 510), said administrator module administering data flow to and from said object and data collector modules, said object collector module retrieving object from said at least one database and said data collector means collecting data from said at least one database and writing updated data to said at least one database.

9. Regarding claim 4, Haines et al. does not teach using human resource data consisting of position data and individual employee data. Ross et al. teaches using human resource data consisting of position data and individual employee data (see figure 6 "Emp" Table). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the

Art Unit: 3693

human resource budget monitoring of Haines et al. in view of Ross et al. to include human resource data consisting of position data and employee data as taught by Ross et al. One skilled in the art would have been motivated to make the modifications because knowing the cost for items in a budget is necessary and said human resource data is essential to determining the cost of each employee.

10. Regarding claim 6, Haines et al. teaches monitoring said budget during said period of time and providing an automatic notification to a user based on said monitoring. Haines et al. does not teach monitoring a departmental budget as a sum of individual employee salary budgets. Ross et al. teaches a departmental budget as a sum of individual employee salary budgets (column 3 lines 55-65). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the budget monitoring of Haines et al. with monitoring a departmental budget which is a sum of individual employee salary budgets as taught by Ross et al. One skilled in the art would have been motivated to make the modification because categorizing allows for budgeting more efficiently.

11. Regarding claim 7, Haines et al. does not teach combining several individual employee salary budgets into a department or cost center budget. Ross et al. teaches combining several individual employee salary budgets into a department or cost center budget (column 3 lines 55-65). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the human resource budget monitoring of Haines et al. in view of Ross et al. to include combining several individual employee salary budgets into a department or cost center budget as taught by Ross et al. One skilled in the art would have been motivated to make the modification because categorizing allows for budgeting more efficiently.

12. Regarding claim 8, Haines et al. teaches wherein said commitment engine monitors the budget during said period of time.

Art Unit: 3693

13. Regarding claims 9 and 10, Haines et al. does not teach wherein said monitoring involves a comparison of said calculated individual employee salary budgets with one or more actually effected salary payments. Ross et al. teaches comparing employee salary budgets with one or more actually effected salary payments (column 3 lines 55-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the human resource budgeting of Haines et al. in view of Ross et al. further to include comparing individual employee salary budgets with one or more actually effected salary payments. One skilled in the art would have been motivated to make the modification for the benefit of staying within a budget.

14. Regarding claims 13 and 14, Haines et al. teaches spending based on a difference between said potential budget and an actual budget. Haines et al. does not teach hiring for human resource positions only while under the human resource budget. Ross et al. teaches staying within a human resource budget for employees. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the spending based on a difference between potential budget and actual budget of Haines et al. to be limited to a human resource budget for employees as taught by Ross et al. One skilled in the art would have been motivated to make the modification to reduce the chance of overspending.

14. Regarding claim 15, Haines et al. does not teach re-evaluating a budget based on recognized changes to data that are relevant to the budget. Ross et al. teaches re-evaluating a budget based on recognized changes to data that are relevant to the budget (column 3 lines 55-65). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the budget monitoring of Haines et al. to include re-evaluating a budget based on recognized changes to data that are relevant to the budget as taught by Ross et al. One skilled in the art would have been motivated to make the modification for the benefit of budgeting

Art Unit: 3693

accuracy. Ross et al. teaches the step of re-evaluating but does not teach automating the re-evaluating. It would have been obvious to automate the process in view of *In Re Venner* (120 USPQ 192, 194; 262 F2d 91 (CCPA 1958)), which teaches to make automatic is obvious. One skilled in the art would have been motivated to make the modification for the benefit of efficiency.

15. Regarding claims 16 and 23, Haines et al. teaches retrieving data and evaluating a budget for an object for a predefined period of time based on said retrieved data; and storing and monitoring said budget during said predefined period of time (see [0140]). Haines et al. does not teach applying the invention to human resource budgeting. Ross et al. teaches budgeting for human resources (column 3 lines 55-65). It would have been obvious to one of ordinary skill in the art at the invention to have modified the data retrieval, evaluation, storage and monitoring of Haines et al. to include budgeting for human resources as taught by Ross et al. One skilled in the art would have been motivated to make the modification since it is only applying a known technique to a known method ready for improvement to yield predictable results, the predictable results being knowing the difference in what has been spent versus what has been budgeted. Knowing this difference is useful since it reduces the risk of overspending.

16. Regarding claims 17 and 24, Haines et al. teaches reserving an amount of money according to said evaluated data (budget).

17. Regarding claims 18 and 25, Haines et al. teaches continuously adapting said reserved amount of money by subtracting one or more effected payments (remaining budget).

18. Regarding claims 19 and 26, Haines et al. teaches performing, based on a budget preparation, a reservation step (budget), then performing a pre-commitment step based only on retrieved data (budget), and then performing a commitment step for objects based only on

Art Unit: 3693

retrieved object data (remaining budget), and a subsequent adaptation of the one or more results of said respective prior steps (remaining budget).

19. Regarding claims 20 and 27, Haines et al. teaches reserving an amount of money for said predefined period of time based on said results of said commitment step (remaining budget).

20. Regarding claims 21 and 28, Haines et al. teaches continuously adapting said results of said pre-commitment and commitment steps based on changes to said data (remaining budget).

21. Regarding claims 22, and 29, Haines et al. teaches continuously adapting said results of said pre-commitment and commitment steps based on changes to said object data ([0139-0140], remaining budget).

22. Regarding claims 30 and 32, Haines et al. does not teach using human resource data including human resource position data and human resource object data. Ross et al. teaches using human resource data including human resource position data and human resource object data (see figure 6 "Emp" Table). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the budget monitoring of Haines et al. to include using the human resource data including human resource position data and human resource object data as taught by Ross et al. One skilled in the art would have been motivated to make the modifications because knowing the cost for items in a budget is necessary and said human resource data is essential to determining the cost of each employee.

23. Regarding claims 31 and 33, Haines et al. teaches an automatic notification to a user based on said monitoring (see [0139-0140]).

24. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Haines et al. in view of Ross et al., further in view of Williams (US Patent No. 5,600,554).

25. Regarding claim 3, Haines et al. teaches said commitment engine further comprising a creator module for creating budget control documents (Figure 14, elements 1406 and 1420), a transfer module for transferring budget data to an exterior accountancy (see [0140]), said administrator module administering data flow to and from said creator and said transfer modules. Haines et al. does not teach an error handling module for handling errors and triggering workflows to overcome an error. Williams teaches handling errors and triggering workflows to overcome an error (column 7 lines 9-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the budget monitor of Haines et al. to include an error handling module for handling error and triggering workflows to overcome an error as taught by Williams. One skilled in the art would have been motivated to make the modification because it is useful to correct errors.

26. Claims 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Haines et al. in view of Ross et al., further in view of Official Notice.

27. Regarding claim 5, Haines et al. and Ross et al. do not teach calculating an individual employee salary based on said retrieved human resource data. Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention to include calculating an individual employee salary based on retrieved human resource data (eg. calculating a salary using an hourly rate). One skilled in the art would have been motivated to make the modification since it is useful to calculate expenses for different periods of time.

28. Claims 11, and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Haines et al. in view of Ross et al., further in view of Thaler-Carter.

29. Regarding claim 11, the combination of Haines et al. in view of Ross et al. does not teach simulations for one or more employee positions based on said position data for said predefined period of time. Thaler-Carter teaches simulations for one or more employee positions based on said position data for said predefined period of time, a sum of said position cost simulations being a potential position budget for an employer entity or sub-entity for said predefined period of time (see page one, TWO KEY METHODS FOR FIGURING COSTS). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the monitoring of human resource budgets of Haines et al. in view of Ross et al. to include simulations for one or more employee positions based on said position data as the potential budgets, as taught by Thaler-Carter. One skilled in the art would have been motivated to make the modification for the benefit of increased accuracy in budgeting.

30. Regarding claim 12, the combination of Haines et al. in view of Ross et al. does not teach simulations for an existing employee based on individual employee data, the sum of said simulations being the actual employee budget. Thaler-Carter teaches simulating costs relating to an employee position, the sum of said simulations being a potential position budget for an employer entity or sub-entity (see page one, TWO KEY METHODS FOR FIGURING COSTS). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the human resource budget monitoring of Haines et al. in view of Ross et al. to include simulations for an existing employee as the potential position budgets, as taught by

Art Unit: 3693

Thaler-Carter. One skilled in the art would have been motivated to make the modification for the benefit of increased accuracy in budgeting.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC WONG whose telephone number is (571)270-3405. The examiner can normally be reached on Monday-Friday 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

Art Unit: 3693

would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

Eric Wong
Examiner
Art Unit 3693

Feb 2008